

**FILED VIA EFS ON MARCH 23, 2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/840,188 Confirmation No.: 7264  
Applicant : Mark L. MATHIS et al.  
Filing Date : May 5, 2004  
Title : Device and Method for Modifying the Shape of a Body Organ  
Group Art Unit : 3731  
Examiner : Tuan Van NGUYEN  
Docket No. : 10057-719.201  
Customer No. : 66854

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313  
Sir:

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

**Introductory Comments:**

This Response addresses the Notice of Non-Compliant Amendment (37 CFR 1.121), dated November 23, 2009, for which a response is due December 23, 2009. A request for extension of time, up to and including **March 23, 2010**, accompanies this response.

Please consider the remarks as follows.

**Remarks** begin on page 2 of this paper.